

**PATENT APPLICATION**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

ATTN: OFFICE OF PUBLICATIONS

Kazuya OTA et al.

Notice of Allowance Mailed  
11/24/2003 - Batch/Confirmation No. 4055

Application No.: 09/846,304

Group Art Unit: 2877

Filed: May 2, 2001

Examiner: K. Brown

Docket No.: 104313.01

For: APPARATUS AND METHOD FOR PATTERN EXPOSURE  
AND METHOD FOR ADJUSTING THE APPARATUS

**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Following are Applicants comments in reply to the Examiner's statement of reasons for allowance in the November 24, 2003 Notice of Allowance and Fees Due.

In the "Detailed Action" attached to the Notice of Allowance, the Examiner's statement of reasons for claims 1, 12, 17-26 and 28-54 are "the prior art fails to disclose or suggest a second sensor or a single x-ray source which generates the second wavelength and exposure lights all in conjunction with the rest of the claimed subject matter." The Examiner's statement of reasons for allowance further references Applicants' remarks at page 13, lines 13-15 of the Preliminary Amendment filed on October 8, 2003. The remarks referenced by the Examiner are directed to claims 18, 23 and 24 only. More specifically, it is stated, "each of claims 18, 23 and 24 recite that the second wavelength light is generated by

the same light source that generates the x-rays used as exposure light to expose the object."

The reasons for allowance thus are applicable to claims 18, 23 and 24 and claims dependent therefrom. However, Applicants submit that there should be no implication of applicability to claims 12 and 25 and claims dependent therefrom.

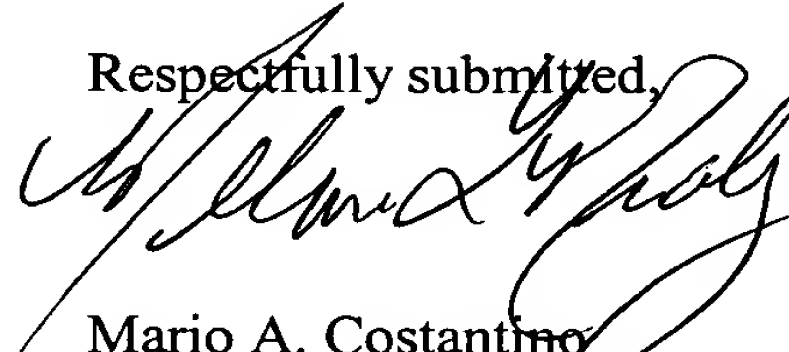
In the April 8, 2003 Office Action, the Examiner gave reasons for allowance of claims 12 and 25. In particular, the Examiner's reasons for allowance of claims 12 and 25 are that "the prior art of record fails to disclose or suggest a second sensor in conjunction of the rest of the claimed subject matter." While this is accurate for claim 12, claim 25 is directed to a method and does not recite "a second sensor." Thus Applicants submit that this prior reasons for allowance regarding claim 25 is not accurate and should not be seen as implying the requirement of a second sensor in claim 25.

For clarification, Applicants note that claim 12 is allowable at least because nowhere do the references of record teach or disclose (1) the adjustment of an optical property of the optical system which includes at least an illumination system based on the output of a first sensor which receives non-exposure light or (2) a second sensor which receives exposure light to obtain an optical property of the optical system at the wavelength of the exposure light (see the December 17, 2002 Amendment); claims 18, 23 and 24 are allowable at least because nowhere do the references of record teach or disclose generating a second wavelength light from the x-ray source which generates x-rays as the exposure light which exposes the subject; and claim 25 is allowable at least because nowhere do the references of record teach or suggest the receiving of exposure light through at least a part of the optical system of which an optical property is adjusted based on first information with respect to the optical system obtained by receiving non-exposure light, nor the obtaining of second information with respect to the optical system and the adjustment of an optical property of the

optical system based on this second information (see the January 17, 2003 Supplemental Amendment).

The Examiner is invited to contact the undersigned at the telephone number set forth below if further comment is necessary.

Respectfully submitted,



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MAC/MLM/LMS:amw

Date: February 24, 2004

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